UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/S-5/SR.2
20 October 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifth special session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 17 October 2000, at 3 p.m.

Chairperson: Mr. SIMKHADA (Nepal)

CONTENTS

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-15577 (E)

The meeting was called to order at 3.10 p.m.

LETTER DATED 3 OCTOBER 2000 FROM THE PERMANENT REPRESENTATIVE OF ALGERIA TO THE UNITED NATIONS OFFICE AT GENEVA, ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-5/2)

1. Mr. GANEGAMA (Sri Lanka) said that Sri Lanka endorsed the statement made by the representative of Indonesia on behalf of the Asian Group. Like the other non-aligned nations, Sri Lanka had consistently maintained that a lasting peace and comprehensive political settlement were the key to the realization of the inalienable rights of the Palestinian people and thereby to the security of the Middle East as a whole.

2. Sri Lanka understood only too well how rapidly a cycle of indiscriminate violence and the use of force could jeopardize painstaking efforts to achieve peace. Whatever the explanations given by the parties, such spirals of violence and counter-violence could hold back or even reverse political initiatives. His delegation supported the establishment of a mechanism to ascertain the facts of the current situation, which would break the cycle and leave room for the parties to address the core issues in political negotiations.

3. Mr. AL ABOODI (United Arab Emirates) said that flagrant violations of human rights and international humanitarian law, including the Geneva Convention relative to the Protection of Civilian Persons in Time of War, were occurring in the occupied Palestinian territories as a result of Mr. Sharon's provocative visit to the Al-Aqsa mosque.

4. The United Arab Emirates rejected Israel's brutal use of armed force against the defenceless Palestinian people, whose houses were being destroyed by land, sea and air missiles. That was a grave violation of international humanitarian law and amounted to a war crime and attempted genocide. Referring to Security Council resolution 1322 (2000) of 7 October 2000, he appealed to the international community and the sponsors of the peace process, in particular the United States, to intervene to put an end to such violations and collective punishment and to protect the Palestinian people's freedom to worship in the Al-Aqsa mosque and their inalienable right to self-determination in accordance with international law.

5. Lastly, he requested the establishment of a commission of inquiry to investigate the crimes committed by the Israeli forces. Special rapporteurs should also be sent to the occupied territories to report on the situation and help to find a solution to the problem.

6. Ms. ABOULNAGA (Egypt) said that, at the time of the Commission's preceding session, there had been a feeling that, in view of the developments in the peace process, it was time for the agenda items on Israel's occupation of the Palestinian territories to be dropped and for the human rights mechanisms to cease considering the situation there. Egypt had considered that it was up to Israel: the reason those items were on the agenda was that Israel was occupying Arab territories and that, if it wanted the items to be dropped, it should end its occupation and respect human rights.

7. At that time, the Israeli Minister of Justice had depicted Israel as a democratic country created on the basis of humanitarian and moral principles that did not allow for violations of human rights. The Minister had boasted that Israel had established a human rights commission and a human rights ombudsman and had expressed the hope that, by the next session, those items would no longer appear on the Commission's agenda.

8. Yet today, the Commission was meeting in special session to consider crimes and violations of fundamental human rights committed against the Palestinian people following the visit to Al-Haram Al-Sharif by Mr. Sharon, a man with a whole career of crimes against humanity behind him.

9. The impression had been given that the Palestinians had triggered the events, but even the Security Council had recognized that the visit had been provocative. Moreover, Israel had used not only rubber bullets against the Palestinians, but live bullets and other sophisticated weaponry in a display of excessive force again recognized by the Security Council as a violation of basic human rights and international law, which insisted on the distinction between military and civilian targets.

10. Israel had violated its obligations as an occupying Power, as noted by the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, who had reported the destruction of Palestinian homes and the confiscation of 60 per cent of West Bank territory since 1967.

11. In the face of the tragic deaths of children, shown to the world by the international media, the international community should not be powerless. It should assume its responsibilities and force Israel to respect international law and the conventions it had signed, including the Convention on the Rights of the Child. That was a test of its credibility and she hoped that members of the Commission would be equal to that test.

12. Mr. BRODRICK (Australia) said that his Government was deeply concerned at the loss of life and injury resulting from the violent confrontations of recent weeks in the West Bank, Gaza and parts of Israel. The cycles of provocation, violence and retribution were profoundly depressing and had been justifiably deplored. All communities involved must seek to establish the mutual trust and confidence necessary for peaceful coexistence.

13. Australia was also concerned at the damage the violence had done to Israeli-Palestinian relations at a time when a final settlement to outstanding issues in the peace process had appeared close. A ceasefire must be put in place as soon as possible to stop the deaths and injuries and negotiations must resume to conclude a comprehensive peace agreement that would act as a barrier to such outbreaks of violence in the future. Only through a negotiated settlement could a just and lasting peace be achieved.

14. Mr. LITTMAN (Association for World Education) said that the breakthrough that had been made that very day at the Israeli-Palestinian summit meeting in Sharm el-Sheikh was the moment to encourage the Palestinian leadership to take statesman-like decisions in the interests of true peace and reconciliation.

15. One of the root causes of the current tragic events was the systematic misuse of education by the Palestinian Authority - through videos and textbooks, some of them produced with European Union funding - to prepare children for *jihad* or holy war. He called on the Commission to turn its attention to the general issue of indoctrinating children or encouraging them to participate in armed conflicts and specifically to inquire into the Palestinian Authority's abuse of the educational system, including UNWRA schools.

16. In addition, the Hamas movement was now directly allied to the Palestinian Authority and was gaining ground among the Arab population in Israel. The movement's Charter was an incitement to genocide and therefore contravened the Convention on the Prevention and Punishment of the Crime of Genocide. His organization called on the Commission to condemn the movement.

17. Mr. LACK (International Association of Jewish Lawyers and Jurists), speaking also on behalf of the World Jewish Congress, said that the representative of Algeria had misrepresented the facts in his statement on behalf of the Arab League. The situation under consideration did indeed deserve the Commission's attention, but not for the reasons given by the Arab League.

18. Many lives had certainly been tragically lost: those of more than 90 Palestinians, including children, as well as Israeli Arabs and Israeli Jews. Israeli police and soldiers had been attacked: a number of policemen trapped in a police station had narrowly escaped death when the building had been set on fire; and a group of reservists had been hideously killed and torn apart by a mob.

19. The Palestinian police and gunmen concealed among the stone-throwing rioters had been involved in sustained exchanges of fire.

20. It had been claimed that Mr. Sharon's visit to the Omar and Al-Aqsa mosques had been a provocation, but it had in fact been cleared with the relevant joint Palestinian-Israeli security committees. The crowds had been whipped up into a frenzy during Friday prayers and had attacked Mr. Sharon's police escort.

21. The greatest concern, one which demanded immediate firm action by the Commission, was the alliance between the Palestine Authority and the Hamas and Hezbollah terrorist groups. The release of Hamas prisoners had been an invitation to them to resume their bombing campaign; and Hezbollah, as was well known, had been responsible for a number of kidnappings and murders.

22. Although it was of course regrettable that a number of children and adolescents had been killed during the disturbances, it should be remembered that Israeli security personnel had received strict orders not to fire on civilians except in the most extreme circumstances of risk to their own lives. The fact that minors were often incited to take part in dangerous confrontations was a violation of basic humanitarian law, specifically article 38 of the Convention on the Rights of the Child. The appeals of Hamas, Hezbollah and the other extremist groups that were responsible for fomenting riots in Israel and avowedly anti-Semitic attacks on Jewish communities abroad constituted open advocacy of racial and religious hatred and should be forthrightly condemned by the Commission.

23. Mr. WISNUMURTI (Indonesia) said that his delegation associated itself with the statement made by the representative of Malaysia on behalf of the Organization of the Islamic Conference (OIC). Shocking atrocities had been committed by heavily armed Israeli soldiers against large numbers of Palestinians, including children. It was hard to understand why the occupying Power felt the need to use such disproportionate military might against unarmed civilians. But the United Nations mechanisms for the maintenance of international peace and security and their counterparts in the field of human rights, which responded enthusiastically and even aggressively to other situations of similar or lesser magnitude, had for the most part remained inactive. The reaction of international mechanisms often seemed to be dictated by political expediency or the identity of the victims. Such a biased attitude betrayed a flagrant double standard which did nothing to enhance the credibility and moral stature of the mechanisms concerned.

24. His delegation hoped that the generally acknowledged seriousness of the situation would result in effective and immediate measures by the Commission to address the human rights situation in the Occupied Palestinian Territory. The Commission should play its part in protecting the human rights of all Palestinians in the Occupied Territory, thereby preventing a recurrence of the current tragedy and creating a conducive environment for the promotion of peace in the region.

25. Indonesia supported the establishment of an international commission to investigate the root causes of the current upsurge of violence and identify those responsible with a view to bringing them to justice.

26. It was the duty of the occupying Power to exercise restraint and abide by its obligations under the Fourth Geneva Convention, since the protection of civilians under occupation was the central issue in the present crisis. Furthermore, the international community should ensure that Israel complied fully with the relevant Convention. The situation would improve only if existing rules were observed. The use of military force could never obscure the fact that Al-Haram Al-Sharif was an integral part of the Occupied Palestinian Territory, as stated in numerous resolutions of the General Assembly and the Security Council.

27. Israel must honour its obligations and pursue peace negotiations in good faith. The extent of Israeli commitment to the peace process would be judged by its respect for Palestinian human rights and its full compliance with the 1949 Geneva Convention.

28. It was the collective responsibility of the international community to ensure that the Commission responded appropriately to violations of human rights in the occupied territories. A commission of inquiry also needed to be established. The High Commissioner for Human Rights had a crucial role to play in that process.

29. Ms. STROMBERG (MADRE) said that the United States, the primary broker of the Oslo Accords which had failed to secure even a minimum level of Palestinian human rights, bore special responsibility for the current crisis. The Oslo process had consistently prioritized United States and Israeli geopolitical interests in the Middle East over human rights standards. The United States had violated its obligation to respect and promote fundamental principles of international law and had attempted to sidetrack the role of the United Nations in the current

crisis. In addition, the United States Government should attach end-use requirements to its weapons sales to Israel. Future talks between Israel and the Palestine Liberation Organization (PLO) should be held under the auspices of the United Nations and future agreements should meet the standards of international human rights and humanitarian law.

30. The excessive use of force by Israeli troops against unarmed women and children was a matter of particular concern. It was clear that, in their confrontations with Palestinian demonstrators, Israeli forces had relied on deadly force as a first, rather than a last, resort. Furthermore, Palestinian citizens of Israel had been attacked by vigilante mobs under the protection of the Israeli police force, underscoring the fact that the country's Palestinian minority was in urgent need of international protection. Israeli settlers had shown themselves to be a particularly violent and provocative element.

31. An independent commission of inquiry should be established under the auspices of the Security Council and the Commission's special rapporteurs should undertake a joint visit to the region to investigate human rights violations, reporting thereon no later than 1 December 2000. International protection should be provided for Palestinians in the occupied territories and within Israel itself, with special emphasis on the most vulnerable groups such as children, refugees and internally displaced persons. Given that Israeli forces had repeatedly violated their obligation under the Fourth Geneva Convention to protect the local population living in occupied areas, the Parties to the Convention should reconvene in order to guarantee such protection.

32. Mr. HARAGUCHI (Japan) said that his delegation welcomed the fact that a ceasefire agreement had been reached and congratulated all the leaders who had contributed to that important development. Japan hoped that the agreement would reduce tension in the region and eventually pave the way for a resumption of the peace process. In response to a request from the Palestinian Authority, Japan had provided emergency assistance through the United Nations Development Programme (UNDP) for the purchase of urgently needed medical equipment.

33. Mr. SALIH (Arab Organization for Human Rights) said that Israel had attacked the Palestinian people with an impressive arsenal of lethal weapons. The repression had extended to Arab Israelis, thereby demonstrating that Israel was ruled by a racist regime. The Commission should roundly condemn recent Israeli actions and call for an end to the racist treatment of Arabs. An independent and impartial commission needed to be set up to investigate human rights abuses and bring those responsible to justice. The Security Council and the General Assembly should establish mechanisms to protect all Palestinians in the occupied territories and inside Israel itself. The Parties to the Fourth Geneva Convention should meet to devise a mechanism to ensure that the Convention was properly applied in the occupied territories and the Office of the High Commissioner for Human Rights should dispatch a mission to the region and report on its findings.

34. Mr. MONOD (War Resisters International) said that Jerusalem was a battleground of religious and political fundamentalism and the situation could be defused only through tolerance. A possible solution might be the unification of Israel and Palestine in a federation with a single capital in Jerusalem. In such a federal State, people, goods and financial resources would circulate freely, while federal companies would operate public utilities and transport and

communications networks. Demilitarization was a prerequisite for security. The League of Arab States and the European Union could act as guarantors of the inviolability of the new State, with an important role reserved for the United Nations.

35. Ms. HODGKIN (Amnesty International) said that an Amnesty International research team, including a specialist in sensitive policing of disturbances, had just returned from a visit to Israel and the occupied territories. The team had focused on the use of lethal force by Israeli security forces and the observance of international standards regarding the use of force and firearms by law enforcement officials. It had been observed that, in policing the recent demonstrations, the security forces had used military methods and lethal weapons that took no account of human rights. Moreover, no attempt had been made to investigate reports of unlawful killings, either by the Israeli authorities or by the Palestinian Authority, and that could only breed disrespect for the rule of law.

36. The Commission should urge the two sides to respect the rule of law, which included protecting the right to life and prohibiting torture. There should be an independent international investigation into the serious human rights abuses which had taken place in Israel and the occupied territories and all authorities should cooperate fully with it. The Secretary-General should establish a standing body of highly qualified international criminal jurists and other expert investigators to act as a rapid response resource whenever the United Nations felt there was a need for an independent and impartial investigation. Finally, the Special Rapporteur on extrajudicial, summary or arbitrary executions should make all relevant information available to the proposed independent international investigation.

37. Ms. DAOUDY (Union of Arab Jurists) said that myth and reality in the Middle East were in stark contrast. In the 1990s, Israel had exported the myth that it wished to talk peace with its Arab neighbours. The "peace process" was in fact a dictated solution imposed on the weaker party, the Palestinians, by a coalition led by Israel and the United States of America. The aim of the process was to confine the Palestinians to scattered and economically non-viable enclaves. The withdrawal of Israeli forces from the occupied territories and the return of Palestinian refugees, referred to in so many United Nations resolutions, were yet another myth. Instead, Palestinian homes had been expropriated or demolished and Jewish settlements had multiplied. But the events of the last few days had exposed those myths for the fictions they were. Accordingly, the Commission should demand an end to the massacres of Palestinians and call for Jewish settlers to be disarmed. An impartial international investigation was essential and Israel should be made to comply with international humanitarian law and United Nations resolutions. The blockade of the occupied territories must be lifted and the role of the United States in the mediation efforts should be reduced.

38. Mr. TSETSIS (World Council of Churches), speaking on behalf of the Commission of the Churches on International Affairs, congratulated the High Commissioner and the Special Rapporteur on their comprehensive statements, which had highlighted the goal of peace based on the full enjoyment of human rights for the peoples of Palestine and Israel. The Special Rapporteur had rightly warned of the growing impatience of Palestinians, stifled in their desire to develop their own homeland in order to give themselves and their children a basis for a dignified life which would threaten no neighbour. In view of that warning, the current eruption of violence could hardly be a surprise.

39. The churches in Jerusalem and Palestine had long advocated a lasting peace based on justice. For too long, however, they had had to minister to the victims of injustice and human rights violations, the roots of which lay in the occupying Power's constant defiance of international law and the world community's admonitions. Its repeated use of excessive military force, based on a false notion of security, denied peace and security and widened the gap separating Israelis from Palestinians living in the occupied territories.

40. Peace and security for all lay not in military might, but in willingness to share resources equitably, to share peace and responsibility for maintaining it and to share the truth. Forgiveness and reconciliation required the acknowledgement and sharing of responsibility for past offences. The Security Council's call for a mechanism to inquire into the recent events with a view to preventing their repetition was welcome and he hoped that the Commission would take the lead in putting that mechanism in place without delay.

41. Experience hitherto, however, was not encouraging. The efforts of the Commission, the Special Rapporteur and the General Assembly's Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had not been matched by the occupying Power. His organization therefore appealed to Israel to cease withholding its cooperation and display a firm willingness to put aside the past and build a new future for Israelis and their neighbours.

42. While it was true that religion had at times been misused by both sides for political ends, true religion was a source of peace and harmony. For Christians, the Holy City of Jerusalem was a source of profound spiritual strength and hope, stemming not from sectarianism, but from the promises shared by those who put their trust in one God. The heads of Jerusalem's Christian communities had expressed their desire for peace, with justice and security, for the "two peoples and three religions" of the land - the Palestinian and Israeli peoples, and the Christian, Jewish and Muslim faiths. At a recent service of Ecumenical Prayer for Peace, the Latin Patriarch had said that, although the land had long been one of hatred and bloodshed, it must become one of forgiveness and redemption. Freedom, tranquillity and security, not violence, should be the destiny of Palestinians and Israelis alike. That message, he hoped, would inspire all in a common pursuit of peace with justice.

43. Ms. SAYEGH (General Arab Women Federation) said that her organization denounced the recent provocative act which had been carried out at Al-Haram Al-Sharif and had caused an eruption of violence and the excessive use of armed force by Israel against unarmed civilian Palestinians, in violation of the Palestinians' human rights. Although the situation had become calmer, the chronicle of events had been distorted to portray Palestinian victims as the aggressors. The record of the peace process had hitherto been deplorable; every negotiation process had led to more confiscation and occupation of Palestinian land and property and to increasing restrictions on Palestinians' freedom of movement. Israel's constant violation of human rights, in pursuit of its expansionist aims, had been possible only because of United States support, including military equipment. The establishment of a just and lasting peace between Israel and Palestine was essential, but depended primarily on the good will of the parties concerned. The Commission should therefore make special efforts at its current special session to seek Israel's immediate withdrawal from all the occupied territories and observance of the relevant United Nations resolutions and international human rights instruments, the cessation of

all violence, including the protection of Palestinians from the Israeli army and settlers, speedy international humanitarian aid and an international investigation into the causes of the recent unrest. Despite the many United Nations resolutions adopted since 1967, Palestinians still lacked self-determination and an independent State. She therefore requested the Secretary-General to make more efforts to implement those resolutions.

44. Ms. BALLANTYNE (Women's International League for Peace and Freedom) said that, for years, her organization had called on Israel and the international community to help Palestinians establish their own independent state within the pre-1967 borders, with East Jerusalem as the capital, and on Israel and Palestine to live in peace with each other and all the region's States. It joined in the denunciation of the visit by Ariel Sharon to Al-Haram Al-Sharif, which had set off a foreseeable mass reaction by Palestinians to which Israel had replied with excessive military force. History continued to show that only negotiation based on equity, the genuine needs of both parties and the relevant United Nations resolutions and international human rights and humanitarian instruments could lead to stable peace in the region.

45. The Commission should take immediate steps aimed at an immediate end to all human rights violations, new peace negotiations on the basis of all relevant United Nations resolutions, Israel's immediate withdrawal from all Palestinian areas and full respect for Palestinians' human rights under international law, including the Geneva Convention, the implementation of all agreements made hitherto between Israel and the Palestinian Authority, immediate international humanitarian assistance for the Palestinian people, and an international inquiry, under United Nations auspices, into the causes of the latest eruption of violence, as part of a truth and reconciliation process.

46. Mr. HARRIS (American Jewish Committee) said that the recent tragic events had affected everyone, regardless of race, nationality or belief. The American Jewish Committee had actively supported the peace process and had sought to launch a new chapter in the relationship between the Islamic and the Jewish religions. The path to peace clearly lay in negotiation, not violence, but the opportunity provided by the recent far-reaching peace proposals tabled by Ehud Barak, Israel's democratically elected leader, had unfortunately been lost through Palestinian unwillingness to take them up. It was hoped, however, that the outcome of the latest talks at Sharm al-Sheik would yield positive results.

47. The Commission, whose current special session underlined the tragic consequences of opting for violence rather than dialogue, must confront the complex realities of the situation and avoid politically charged one-sidedness. For example, it must not overlook the outrages committed against Jewish holy sites such as Joseph's Tomb at Nablus, destroyed by a Palestinian mob. It must ensure religious freedom and access to religious sites. It should discuss the instances of incitement to hatred by Palestinian officials and media, including the distorted reporting of protests which failed to mention the firing of live ammunition in addition to stone-throwing, as well as the upsurge in anti-Semitic incidents, not in the Middle East alone. And it should not overlook the violations of international law across the Lebanese-Israeli border. Israel had complied with Security Council resolution 425 (1978), but Lebanon, too, was obliged to exert its authority; the Commission should condemn the continued violations of the Charter, international law and every norm of civilized behaviour in that area.

48. The American Jewish Committee's part in the founding of the United Nations and the protection of human rights was historically documented, and its work in protecting international human rights continued. Such protection could not be applied inconsistently, however. The Commission had a sacred duty to protect the human rights of all; it would ill become it if its message implied otherwise.

49. Mr. SHKIAT (International Federation of Human Rights Leagues) said that, during a recent mission organized by FIDH, jointly with several other NGOs, to evaluate the current crisis in the occupied Palestinian territories, its members had spoken to victims of the violence and to bereaved families and had met local authorities, Red Crescent medical and management staff and other NGOs and political representatives. They had found evidence of widespread human rights abuses and of failure to abide by international humanitarian law, particularly the Fourth Geneva Convention. Israeli forces had in many cases used excessive force against peaceful protesters, often targeting innocent civilians, including children; the number of child casualties was indeed disturbingly high.

50. FIDH therefore urged Israel to comply with its international obligations and discontinue the use of excessive, unjustified force, including the use of heavy weaponry and illegal ammunition, against civilians in Israel and the occupied territories, to withdraw immediately the security forces that had provocatively entered the Palestinian Authority area and other areas within the occupied territories and to ensure safe, unhindered access for medical personnel, as required under international law. It also urged the Commission to establish an independent international expert commission of inquiry, pursuant to Security Council resolution 1322 (2000); it should include the relevant Special Rapporteurs and other independent qualified experts, carry out a thorough public investigation into the recent events, determine responsibility for the violations of human rights and humanitarian law and bring the perpetrators to justice, recommend measures for redress and compensation and report to the Commission and the General Assembly. The Commission should also strengthen the presence in the area of the Office of the High Commissioner for Human Rights and urge the High Contracting Parties to the Fourth Geneva Convention to reconvene the adjourned Conference with a view to Israel's acceptance of the de jure applicability of that Convention in the occupied territories.

51. Mr. ZEIDAN (Cairo Centre for Human Rights Research) said that the members of the Palestinian Arab minority in Israel represented nearly 20 per cent of the population, but suffered institutionalized discrimination that had affected their economic, social and cultural rights. They were treated as second-class citizens, as the police brutality meted out to Arab demonstrators in recent protests had highlighted. The Universal Declaration of Human Rights prohibited all forms of discrimination and established the right to freedom of thought and expression; and article 27 of the International Covenant on Civil and Political Rights provided explicitly for the protection of minority rights. The member States of the Commission should take active measures to ensure the protection of minority rights, pursuant to those instruments and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

52. During the recent general strike called as a result of Ariel Sharon's provocative visit to Al-Haram Al-Sharif, police had attacked Arab demonstrators with tear gas, rubber-coated steel bullets and live ammunition in a number of Arab villages and mixed-population cities, killing

two demonstrators and injuring many others. The excessive violence had merely aroused further anger and demonstrations, the toll of whose repression had been 13 dead and over 500 injured as well as hundreds of arrests. Despite the efforts by Palestinian Arab leaders' to end the violence, the Israeli Government continued its official rhetoric, denying the status of Arabs as Israeli citizens and criminalizing their attempts to protest. As a result, Jewish citizens had been prompted to attack Palestinian Arabs, as well as their property and holy sites, and the security forces supposed to be protecting Arab citizens had fired on those who were trying to defend their homes, killing 2 and injuring 30, 5 of them severely. Another result of such government-encouraged violence had been the widespread destruction of Palestinian Arab shops and businesses, as well as of graveyards and mosques.

53. Such acts, evidence of the authorities' wilful failure to provide protection, constituted grave human rights violations. He urged the Commission to take all necessary measures to protect the Palestinian Arab community, on whose behalf he spoke. He also strongly supported the establishment of an independent international commission of inquiry into the recent events; its mandate should include investigating the violence suffered by the Palestinian Arab citizens of Israel.

54. As events in Kosovo and East Timor had shown, violations of human rights, particularly those of minorities, could no longer be deemed a purely internal matter, particularly when regional peace and security were at stake. The Commission was urged to call on relevant United Nations bodies and mechanisms, in particular the Sub-Commission's Working Group on Minorities, to take effective action to promote and protect the rights of Palestinian Arab citizens in Israel.

55. Mr. MBOMIO (North South XXI), said that the suffering of the Palestinian people, which had long been known to NGOs, was now clear for the world to see after a picture of a boy lying dead in his father's arms had been broadcast on television. In the case of Israel, NGOs and the international community that were aiming to ensure respect for human rights were facing a country that acted with impunity. Israel was the only country in the world that could flout international law without being subject to sanctions imposed by the United Nations or other international organizations. The United States, the world's major Power, had never fired on children, but Israel did. It was also the only country where the leaders were hailed as heroes for having committed war crimes. While Chairman Arafat had ordered the immediate reconstruction of Joseph's tomb after its desecration, no one had dared to ask Mr. Sharon for an apology for his actions, which had been an affront not only to Palestinians, but to the Muslim world as a whole. How long could Israel's impunity against a defenceless people be allowed to last?

56. Mr. HANNA (North South XXI) said that Christians were an integral and indivisible part of the Arab Palestinian people. They too had suffered under the Israeli occupation - many had been forced to migrate and they now accounted for less than 2 per cent of the population of the Holy Land. Several Christian churches had even been attacked during the recent events.

57. The Christian churches in the Holy Land denounced the visit by Mr. Sharon to Al-Haram Al-Sharif, which had been a provocation not only to the sentiments of Palestinian Muslims, but also to those of its Christians. They were deeply concerned about the deteriorating

situation concerning Jerusalem, which was preventing Muslims and Christians from reaching their places of worship. They supported the Palestinian objective of establishing an independent Palestinian state with Jerusalem as its capital, since a comprehensive and lasting peace could not be built in the region unless the legitimate rights of the Palestinians were restored, and they called for international intervention, through the establishment of a credible committee of investigators, to alleviate the Palestinians' suffering.

58. Mr. ARENA (International Commission of Jurists) expressed deep concern at the bloodshed in which a majority of Palestinians and Israeli Arabs had been killed. In a recent visit to the region during an ICJ (Sweden) mission, the former Ombudsman, Mr. Per Erik Nilsson, had confirmed that Israeli forces had fired live ammunition. Moreover, many of the wounded had sustained injuries above the waistline, which appeared consistent with a policy of shooting with the intention to kill. The indiscriminate and excessive use of force by the Israeli armed forces against largely unarmed Palestinian civilians and the bombing of Palestinian towns were in breach of international humanitarian law, in particular the Fourth Geneva Convention relative to the Protection of Civilians in Time of War, and also violated the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

59. The International Commission of Jurists was also deeply concerned about the torture and murder of Israeli personnel in Ramallah and called on the Palestinian Authority to investigate that crime and bring the perpetrators to justice. It urged all parties to release all hostages and remained concerned about the attacks on and killing of medical personnel of the Palestinian Red Crescent Society and the Magon David Adom in breach of the Geneva Conventions. In its resolution 1322 (2000) of 7 October 2000, the Security Council had stressed the importance of establishing a mechanism for a speedy and objective inquiry into the tragic events, and the Commission should establish an international commission of inquiry under United Nations auspices. The credibility of any such commission would depend on its independence and, while it should be composed of international experts in the field of human rights, it should exclude those nationalities whose presence might give rise to partisan influences. The commission of inquiry should carry out an objective investigation with a view to bringing the perpetrators of violations of international human rights and humanitarian law to justice. Its report should be public, as should any prosecutions that might result, and victims and their families must be afforded justice through reparations. It was imperative that the special session should deliver a prompt and substantive response to the recent events – not one that was an exercise in attributing blame, but one that provided the basis for justice to be done and to be seen to be done.

60. Ms. MIVELAZ (World Organization Against Torture) condemned all violence by all actors in Israel and the occupied territories and trusted that those responsible would be sanctioned. Her organization was specifically concerned about grave violations of human rights and humanitarian law by Israel, including the excessive and indiscriminate use of force by the Israeli military. Although Palestinian demonstrations after 28 September 2000 had generally been non-violent, the Israeli response had been disproportionate: its choice of weaponry was of the type usually reserved for battlefield military engagement rather than for civilian demonstrations and no attempt had been made to use the police or law enforcement tactics. A large proportion of the Palestinians who had died were children and 77 per cent of those shot had been shot in the upper body.

61. The number of Palestinians injured, many seriously, at the hands of Israeli settlers was estimated at more that 4,500. Hundreds of Palestinians had also been imprisoned. Detainees were routinely denied the right of due process and access to lawyers and were often ill-treated. The risk that State security concerns would take precedence over the rights of a defendant to a fair trial had been exacerbated by the recent events. The recent tensions had undoubtedly resulted from Israel's refusal to accept the right of the Palestinians to self-determination. Palestinians were deprived of control of and access to their own land, water and other economic resources through restrictions on social and economic development and measures of collective punishment. Both the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Cultural and Social Rights had found Israel to be in violation of its treaty obligations.

62. Israel had acted with absolute impunity throughout its occupation, refusing to recognize the de jure applicability of human rights and humanitarian standards. Over the previous two weeks, it had not made a single investigation into the use of force against the Palestinians, or the deaths of Palestinians. Although it had, on occasion, sought to explain its use of force, not once had it shown that force to be justified.

63. The Commission should urge Israel to put an end to its excessive use of force against the civilian population and to take lawful measures to restore order; it should condemn all violence by all actors, and urge the Palestinian Authority to investigate all cases of violence and help to re-establish law and order by rearresting the violent activists recently released. It should establish an ad hoc independent commission to investigate the human rights violations that had taken place during the recent events and determine responsibility, propose a mechanism to bring the perpetrators to account, recommend means to compensate victims and provide redress, make all its findings public, and request the Conference of the High Contracting Parties to the Geneva Convention on Measures to Enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, to reconvene and set a target date in that regard.

64. Mr. LEVY (Observer for Israel) said that, in listening to some of the accusations levelled against Israel, he could not help but wonder whether some of the speakers had been carried away by their less than perfect records on human rights issues. It was regrettable that, in their statements, Israel's neighbours had not given the slightest consideration to the other side and to the feelings of the Israeli public after the lynching of the two soldiers at Ramallah. The fact was that the peoples of the region had to live together, and as the United Nations High Commissioner for Human Rights had said in her statement at the preceding meeting, it was necessary to find ways and means of preventing the situation on the ground from being exacerbated so that the parties to the conflict could re-establish a mechanism for consultation. A culture of human rights and tolerance had to be built.

65. It was interesting that the majority, if not all, of those speaking on behalf of Arab States had not referred to the Middle East summit at Sharm el-Sheikh. That summit had now been successfully concluded with the parties to the conflict agreeing to issue public statements to end the violence and take immediate concrete measures to eliminate points of friction. It had also

been agreed that the United States would lead a fact-finding committee with the Israelis and the Palestinians, in consultation with the Secretary-General of the United Nations, to examine the recent events and ways of preventing them from occurring again in future. The United States was also to consult with the parties on how to move the peace process forward. If the parties concerned could reach agreement, so should the Commission. It should provide support and assistance in strengthening the understandings reached. Even in the present difficult times, the need for the peoples of the region to live together in peace should guide the Commission in its deliberations.

The meeting rose at 6 p.m.